IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO. 331 OF 1993

Kashinath Bhika Gangurde & ors. ... Appellants

V/s

Smt. Sushila Keshav Kulkarni & ors. ... Respondents

Ms. A.R.S. Baxi for the appellants.

Shri K.S. Patil holding for Shri P.N. Joshi for Respondents.

CORAM: P.V. KAKADE, J.

DATED: 13TH DEC., 2004.

P.C.:

1. Heard learned counsel for both parties. Perused the record including the Court Commissioner's report as well as the map which is available for perusal of the Court.

2. Both the parties agree that in view of the contents of the Court Commissioner's report, the appeal can be dispoosed of in terms of the Court Commissioner's report. In this regard, it is recorded by the Court Commissioner that owner of the land of Gut No.40 has encroached upon the land of Gut No.39 to the extent of land of 16 Rs.

Therefore, this is the conclusive proof with regard to the encroachment and in view of this position, the appeal stands allowed with no order as to costs.

Consequently, the civil application also stands disposed of.

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